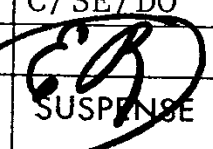


EXECUTIVE SECRETARIAT

ROUTING SLIP

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1	DCI				
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5	DDI		X		
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7	DDO		X		
8	DDS&T				
9	Chm/NIC		X		
10	GC				
11	IG				
12	Compt				
13	D/OCA				
14	D/PAO				
15	D/PERS				
16	D/Ex Staff				
17	C/IDC	X			
18	C/PCS/DO		X		
19	D/SOVA/DI		X		
20	D/EURA/DI		X		
21	C/SE/DO		X		
22					
SUSPENSE					
		Date			

Remarks

STAT

ER 89-3854

Executive Secretary

26 Sept '89

Date

3637 (10-81)



Washington, D.C. 20520

ER 89-3854

September 25, 1989

UNCLASSIFIED WITH
CONFIDENTIAL ATTACHMENT

MEMORANDUM TO:

MR. BRENT SCOWCROFT
National Security Affairs
Advisor
The White House

MR. ROGER PORTER
Assistant to the President
for Economic and Domestic
Policy Development
The White House

MR. CARNES LORD
Assistant to the Vice President
for National Security Affairs
Old Executive Office Building

COLONEL GEORGE P. COLE, JR.
Executive Secretary
Department of Defense

MR. ROBERT S. ROSS, JR.
Executive Assistant to the
Attorney General
Department of Justice

MR. JAMES BUCK
Acting Commissioner
Immigration and Naturalization
Service

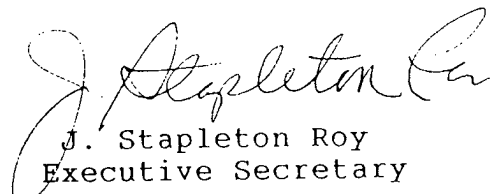
MS. ROBIN H. CARLE
Executive Secretary
Department of Health
and Human Services

MR. FRANK HODSOLL
Executive Associate Director
for National Security and
International Affairs
Office of Management and Budget

MR. H. LAWRENCE SANDALL
Executive Secretary
Central Intelligence Agency

SUBJECT: PCC Meeting on U.S. Policy on Soviet Refugees

Please transmit the attached meeting notification to
principals of the Policy Coordinating Committee on refugees.


J. Stapleton Roy
Executive Secretary

Attachment:
As stated

UNCLASSIFIED WITH
CONFIDENTIAL ATTACHMENT



B-413-IR



UNITED STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON, D.C. 20520

CONFIDENTIAL

MEMORANDUM

September 25, 1989

TO: SEE DISTRIBUTION
Policy Coordinating Committee Participants

FROM: S/R - JEWEL LAFONTANT *JL*
Chairperson
PCC on Refugees

SUBJECT: PCC Meeting on Soviet Refugees

A meeting of the Policy Coordinating Committee on U.S.
Policy on Soviet Refugees will be held as follows:

DATE: Wednesday, September 27, 1989
TIME: 10:30 a.m.
LOCATION: Room 7516, Department of State
AGENDA: Special Immigrant Legislation

Principals plus one are invited to attend the meeting at the Assistant Secretary level. Participants should phone their attendance to Dr. Ada Adler at 647-2804.

Discussions will be based on the attached paper which we submit for your review and comments.

Attachment:

As stated.

CLASSIFIED
DECL: OADR

LIMITED OFFICIAL USE

2
September 22, 1989

Subject: Options for Revised Special Immigrant Legislation

HR 2646, the Administration's bill amending the Immigration and Nationality Act to create a new Special Immigrant category which could accommodate up to 30,000 immigrants a year for five years, will come up for hearings in the House on September 27 and October 4, the latter date for Administration witnesses.

During recent hearings on refugee issues and consultations with key figures in the House and Senate, it has become clear that the Administration bill faces strong opposition. It will probably not get out of the Morrison subcommittee in the House and it has not even been introduced in the Senate. The central objection to the bill is that it does not specify the beneficiaries and the number of visas allotted to each. The concept of "admission of foreign nationals for foreign policy reasons" creates special concern, with some claiming to believe that the Administration would use this language to justify granting visas to the *contras* or other such groups.

At the same time there is a growing consensus on the Hill that some kind of special immigrant legislation is needed to deal with the surge in Soviet emigration and the budgetary constraints on refugee admissions. With the rapid growth of Soviet emigration we need to find a way of demonstrating our ability to take "yes" for an answer. Existing remedies - parole and unfunded refugee numbers - are inadequate.

The practice of **paroling** those who do not qualify for refugee status in Moscow has been questioned by Chairman Morrison as of doubtful legality and the Attorney General is uncomfortable with continuing this for long. Yet shutting down this route without putting something else in its place would add to the impression that we are trying to cut down on immigration from the USSR.

Unfunded refugee numbers are unpopular with the voluntary agencies because, under existing practice, the agencies and not individual sponsors must take responsibility for keeping the refugee out of the welfare system. There is some reason for optimism about private sector initiatives which might make this program more attractive, but at the moment increasing these numbers is not seen by most as an answer to our problem. And there is the added consideration that to qualify for the

If it is agreed that some kind of a special immigrant program is needed and that HR 2646 is not likely to be passed in its present form, we need to develop a new Administration position on the issue which can be enunciated at the October 4 hearings.

CONSTRAINTS

In discussing the question of special immigration status for Soviet citizens who will apply in the USSR, we must keep in mind the interviewing capacity of our Embassy in Moscow. We have decided to convert the bottom three stories of the central wing of the old Moscow office building to a consular/refugee processing section, but this work will not be completed until the end of FY 1990. In the meantime, consular work will be carried out in the North wing of the old complex. This will limit the number of interviews we can schedule during a year to something in the range of 50-60,000. Thus, during the first year a special immigrant program would essentially be a substitute for the current parole system. Those invited in to the Embassy for interviews could be offered special IVs if they did not qualify as refugees or if refugee numbers for the year were exhausted and they preferred to come as immigrants. During FY 1991 the interviewing capacity of the Embassy could be doubled, and a separate track for special IVs parallel to the refugee track could be established.

The second constraint is the requirement that immigrants not become a public charge. Thus applicants for IVs would have to provide valid affidavits of support from individuals or organizations in the US. Many who apply for interviews will not be able to meet this requirement.

Estimating the number who will come for refugee interviews in FY 1990, who fail to qualify as refugees but are able to produce valid affidavits of support is at best guesswork since it depends on the rate at which the INS approves applications for refugee status. But it is clear that at least 40,000 of those invited for interviews will not qualify to go to the US as funded refugees in FY 1990 because of the lack of funded numbers. Many of these will be candidates for the special IV program.

SPECIAL IMMIGRANT OPTIONS

Option 1. As a substitute for HR 2646 introduce a stand-alone bill which does not amend the basic immigration law - the Immigration and Nationality Act - but creates a new "Special Humanitarian Resettlement Program". The Special Humanitarian Resettlement Act of 1989 would create a five year program and specify countries of origin and numbers as follows:

- USSR - up to 30,000 per year.
- Southeast Asia - up to 10,000 per year.
- Eastern Europe - up to 5,000 per year.

Priority consideration would be given to family reunification and to aliens of "special concern to the United States" which would give us authority to prioritize applicants in the same fashion that we prioritize refugee applicants, e.g. allowing us to interview Pentecostals with affidavits of support ahead of other groups without close relatives in the US.

Pro: Likely to be acceptable to Congress since it specifies who the beneficiaries will be.

Likely to be welcomed by the general public as a way of keeping the door open to immigration from the USSR.

Removes a transitional program from basic immigration law.

Con: Less flexibility in meeting emergent needs than HR 2646.

Creates a program that will inevitably add a burden to federal and local welfare programs.

Option 2. Either amend the current Administration bill or draft a stand alone bill along the lines described above which would not specify countries of origin or numbers but would allow the President in consultation with Congress to allot special immigrant numbers to countries which have suppressed emigration during past years (e.g. since 1945). No less than 30,000 of these numbers would be reserved for emigrants from the Soviet Union. The overall number would be specified at a figure in the range of 40-45,000 so as to accommodate immigrants from Eastern Europe and Southeast Asia. We would seek to have the actual numbers for each year specified by executive order rather than in the legislation.

Pro: Provides the President with greater discretion.

Would open the program to nationals of additional countries.

Con: Less acceptable to Congress than option 1.

The definition of countries which have suppressed immigration in the past applies to a number of countries for which the program is not intended - e.g. the People's Republic of China.

Difficult to devise a legal formula which would cover the
"suppressed immigration" concept.